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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BROOKMEAD PARTNERS LP, a Nevada Limited Partnership, Plaintiff, v. Interinsurance Exchange of the Automobile Club, a California business entity, Saracia L.P. Shannahan, and William P. Shannahan, Higgs, Fletcher & Mack, LLP, a California business entity, Defendants.	**Case No.** 08 CV-659-JLS (WMC) PLAINTIFF'S OPPOSITION TO SARACIA SHANNAHAN'S EX PARTE APPLICATION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT, CROSS-COMPLAINT AND CROSS-CLAIM Hearing Date: TBD Hearing Time: TBD Department: Courtroom 6, 3rd Fl. Judge: Hon. Janis L. Sammartino

Plaintiff and cross-defendant, BROOKMEAD PARTNERS, LP, objects to defendant and cross-defendant SARACIA SHANNAHAN's request for enlargement of time to answer the complaint, cross-complaint and cross-claim. This objection is based upon the fact that said defendant and cross-defendant has had more than ample time within which to respond to the complaint on file herein and, has gone so far as to declare the fact that her response will be to bring a motion under Rule 12. In fact, her pending ex parte application for emergency relief is, in substance if not in form, a motion under Rule 12. Essential fairness would require that a Rule 12 motion not be decided under the context of an ex parte application for "emergency relief", but within the context of proper notice and motion as required under the statute.

Accordingly, there is no prejudice to defendant SARACIA SHANNAHAN or any other party to this action, by denial of her request for enlargement of time to answer or respond in that her responsive pleading has already been prepared, and her motion should be denied therefor.

Dated: August 1, 2008

DARVY MACK COHAN
Attorney for Brookmead Partners LP,
a Nevada Limited Partnership

PROOF OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing document entitled:

PLAINTIFF'S SUPPLEMENTAL OPPOSITION TO DEFENDANT SARACIA SHANNAHAN'S EX PARTE APPLICATION FOR EMERGENCY RELIEF

has been made this 1st day of August, 2008, via the court's CM/ECF system to:

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